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April 18, 2016

National Freedom of Information Officer
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2822T)
Washington, DC 20460
(202) 566-1667

Regional Freedom of Information Officer
U.S. EPA, Region 2
290 Broadway, 26th Floor
New York, NY 10007-1866
(212) 637-3668

**Re: Freedom of Information Act Request for Records Related to
Hovnanian Enterprises, Inc.**

Dear Sir/Madam,

I am writing to request records held by the Environmental Protection Agency ("EPA") pursuant to the Freedom of Information Act, 5 U.S.C. § 552 ("FOIA"), concerning Hovnanian Enterprises, Inc. ("Hovnanian").

I. Records Requested

On March 15, 2016, Williams Lopatto submitted a FOIA request to EPA Region 3. Specifically, our office requested all records, including letters, memoranda, files, photographs, recordings, emails, notes, or any other written or electronic records, which are maintained by the EPA in connection with a 2010 Consent Decree between the EPA and Hovnanian¹ concerning Hovnanian's Clean Water Act violations with regard to improper stormwater discharges from construction activities (*see* 2010 Consent Decree, attached hereto as Exhibit A).

After speaking with a Regional Freedom of Information Officer for Region 3, our office was informed that Region 3 does not have any records in connection with Hovnanian's New

¹ For purposes of this FOIA request, in accordance with the 2010 Consent Decree, Hovnanian should be defined as "Hovnanian Enterprises, Inc., including its successors and assigns, as well as any subsidiaries, divisions, or related companies, including limited liability corporations that engage in Construction Activity. For the purposes of this definition, a 'related company' means entities where Hovnanian Enterprises, Inc., or its successors and assigns, subsidiaries, or related companies, own a majority interest in the entity." (Consent Decree at 6). "Hovnanian" also includes any colloquial names referring to Hovnanian Enterprises, Inc., including but not limited to "K. Hov.," "KHOV," "K. Hovnanian," and "K. Hovnanian Homes."

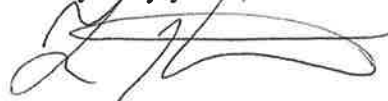
Jersey construction sites that were subject to the Consent Decree. As such, we were directed to submit a separate FOIA request to Region 2 for New Jersey site specific records, including:

- A. All records that discuss or relate to Hovnanian's alleged violations of the Clean Water Act, 33 U.S.C. §§ 1251-1331 and the regulations promulgated pursuant to that statute;
- B. All records that discuss or relate to Hovnanian's alleged violations of state clean water laws and the regulations promulgated pursuant to those statutes;
- C. All records that discuss or relate to any local, state or federal site inspections conducted to evaluate Hovnanian's compliance with federal and state laws regarding stormwater discharges;
- D. All records that discuss or relate to Hovnanian construction sites subject to the Consent Decree, including sites located in: New Jersey;
- E. All records that discuss or relate to penalties imposed on Hovnanian pursuant to the Consent Decree (*see* Consent Decree ¶¶ 24-26);
- F. All records that discuss or relate to actual or potential Hovnanian violations of the 2010 Consent Decree either reported by Hovnanian itself, or discovered by the EPA or any other entities in any manner, and associated penalties assessed, if any (*see* Consent Decree ¶ 29);
- G. All records that discuss or relate to requests for entry or actual entries onto Hovnanian sites for the purpose of assessing compliance with the 2010 Consent Decree, along with Hovnanian responses to requests for entry and results/findings of actual entries (*see* Consent Decree ¶ 48), including but in no way limited to records concerning October, 2012 violations of the 2010 Consent Decree by Hovnanian, as discovered by EPA Region III.

Additionally, our office is interested if EPA Region 2 has instituted any action directly against Hovnanian Enterprises, Inc. relating to improper stormwater discharges from construction activities. If so, our office requests those records as well.

Thank you for your assistance with this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read 'F. Kitton', with a stylized flourish at the end.

Fara N. Kitton